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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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11 UNITED STATES OF AMERICA,) No. CR-11-00553-EJD
12)
13 Plaintiff,) STIPULATION AND [PROPOSED]
vs.) ORDER VACATING BRIEFING
EDUARDO OSORIO,) SCHEDULE AND MOTION HEARING
Defendant.) DATE
16 _____)

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STIPULATION

19 Defendant Eduardo Osorio, by and through Assistant Federal Public Defender Varell L.
20 Fuller, and the government, by and through Assistant United States Attorney Amie Rooney,
21 hereby stipulate that, subject to the Court's approval, the motion hearing date set for Monday,
22 December 17, 2012, and accompanying briefing schedule be vacated. The reason for this request
23 is that the parties have reached a resolution and Mr. Osorio intends to return to court to enter a
24 change of plea on December 17, 2012, the date now set for a hearing on the defendant's motion
25 to suppress. In addition, the defense respectfully requests that its motion, Defendant's Motion to
26 Suppress be dismissed without prejudice, and that this matter be set for December 17, 2012, for

1 change of plea and defense request for immediate sentencing.

2 IT IS SO STIPULATED.

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4 Dated: November 18, 2012

5 _____/s/
VARELL L. FULLER
6 Assistant Federal Public Defender

7 Dated: November 18, 2012

8 _____/s/
AMIE ROONIE
9 Assistant United States Attorney

10 **PROPOSED ORDER**

11 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
12 ORDERED that the motion hearing set for Monday, December 17, 2012, is VACATED. IT IS
13 FURTHER ORDERED that the briefing schedule previously set on Defendant's Motion to
14 Suppress is VACATED and the defendant's motion is DISMISSED WITHOUT PREJUDICE,
15 and this matter IS HEREBY set on December 17, 2012, for change of plea and disposition.

16 IT IS SO ORDERED.

17 Dated: 11/20/2012


18 THE HONORABLE EDWARD J. DAVILA
United States District Court Judge

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